

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

VERNON HAYNES

PLAINTIFF

V.

NO. 3:16CV00282-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY'S FEES

Before the court are Plaintiff's motion [23] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [24]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [21] dated October 23, 2017, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$6,237.00 for 33 hours of attorney time before this court at a rate of \$189.00 per hour and reimbursement for mileage in the amount of \$50.29 on the grounds that he was the prevailing party and the Commissioner's position was not "substantially justified." The Acting Commissioner indicates she has no objection to Plaintiff's motion but, nevertheless, points out the mileage expense should be paid separately from SSA appropriations.

The court, having thoroughly considered the fee request, finds that the same is reasonable, and no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$6,237.00 in attorney's fees and \$50.29 (from SSA appropriations) as reimbursement for a mileage expense for the benefit of counsel for Plaintiff.

This 28th day of December, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE